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ACTION ARA-16

INFO OCT-00 COPY-01 ADS-00 INR-10 EUR-12 SS-10 OIC-02  
CIAE-00 DODE-00 H-01 IO-15 NSC-01 NSAE-00 HA-08  
L-03 PM-08 PA-01 MCT-02 OMB-01 USIE-00 SP-02  
SNP-01 PRS-01 /095 W

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P 192104Z OCT 83  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC PRIORITY 9024  
INFO AMEMBASSY CARACAS  
AMEMBASSY LIMA  
AMEMBASSY LONDON  
AMEMBASSY MONTEVIDEO  
AMEMBASSY ROME  
AMEMBASSY SANTIAGO  
USMISSION USUN NEW YORK  
USMISSION GENEVA  
USCINCSO QUARRY HTS PN  
CINCLANT NORFOLK VA

ARGENTINA PROJECT (S200000044,  
U.S. DEPT. OF STATE, A/RPS/IPS  
Margaret P. Grafeld, Director  
(X) Release ( ) Excise ( ) Deny  
Exemption(s): \_\_\_\_\_  
Declassify: ( ) In Part (X) In Full  
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Date \_\_\_\_\_ Declassify on \_\_\_\_\_ Reason \_\_\_\_\_

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[REDACTED] SECTION 01 OF 02 BUENOS AIRES 07395

CINCSO FOR INTAFF, CINCLANT ALSO FOR POLAD, ROME ALSO  
FOR VATICAN OFFICE

DEPT FOR ARA/SC AND HA/HR

LIMA FOR AMBASSADOR ORTIZ

E.O. 12356: DECL:OADR  
TAGS: SHUM, PINS, PTER, AR  
SUBJECT: NO MORE "PEN PRISONERS" IN ARGENTINA

REFS: (A) BUENOS AIRES 7296 (NOTAL), (B) BUENOS AIRES  
- 2084 (NOTAL), (C) BUENOS AIRES 3387 (NOTAL);  
- (D) BUENOS AIRES 7186 (NOTAL), (E) BUENOS AIRES

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6431 (NOTAL), (F) BUENOS AIRES 7187 (NOTAL)

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1. [REDACTED] SUMMARY: AS SOON AS RELEASES REPORTEDLY NOW TAKING PLACE ARE COMPLETED, ARGENTINA WILL NO LONGER HAVE ANY SO-CALLED "PEN PRISONERS," I.E., DETAINEES BEING HELD AT THE DISPOSITION OF THE EXECUTIVE BRANCH, OFTEN WITHOUT CHARGES. BEGINNING OCTOBER 18, ALL REMAINING DETAINEES ARE BEING FREED OR TURNED OVER TO THE MINISTRY OF JUSTICE TO STAND TRIAL OR TO COMPLETE A SENTENCE THAT HAD ALREADY BEEN ISSUED BY A COURT. THERE ARE REPORTEDLY 63 PEOPLE WHO WILL BE TURNED OVER TO THE MINISTRY OF JUSTICE. WE HAVE ASKED THE FOREIGN MINISTRY TO CONFIRM THE PRESS STORIES, WHICH ARE BASED ON AN OFFICIAL COMMUNIQUE AND INTERVIEWS WITH AN UNNAMED OFFICIAL OF THE MINISTRY OF THE INTERIOR. ALSO, A JUDGE HAS ORDERED THE RELEASE, FOR LACK OF EVIDENCE, OF THE THREE POLICEMEN WHO HAD BEEN HELD FOR FIVE MONTHS IN CONNECTION WITH THE DEATHS OF PERONIST LEADER OSVALDO CAMBIASO AND ALLEGED MONTONERO LEADER EDUARDO PEREIRA ROSSI. ANOTHER COURT ORDERED THE RELEASE OF FIVE PEOPLE WHO HAD BEEN CONVICTED IN 1975 BY A MILITARY COURT OF MURDERING A GENERAL. THE COURT EXTENDED THE AMNESTY LAW TO INCLUDE THE INDIVIDUALS, EVEN THOUGH THAT LAW SPECIFICALLY EXCLUDES PEOPLE WHO HAVE BEEN CONVICTED. THUS, THE UNCERTAINTY SURROUNDING THE AMNESTY LAW CONTINUES. END SUMMARY.

2. (U) THE GOA ANNOUNCED ON OCTOBER 18 THAT IT WOULD RELEASE 243 DETAINEES THAT HAD BEEN AT THE DISPOSITION OF THE EXECUTIVE BRANCH. THESE ARE SO-CALLED "PEN PRISONERS" ("PEN" IS THE SPANISH ACRONYM FOR THE EXECUTIVE BRANCH). OF THE 243, HOWEVER, 63 WILL BE TURNED OVER TO THE MINISTRY OF JUSTICE BECAUSE THEIR [REDACTED]  
[REDACTED]

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CASES IN COURT ARE PENDING OR THEY HAVE ALREADY BEEN SENTENCED BY A COURT.

3. (U) OF THE 180 DETAINEES WHO WILL BE GIVEN COMPLETE FREEDOM, 113 ARE REPORTEDLY ALREADY OUT OF PRISON IN A STATUS SIMILAR TO OUR PAROLE, CALLED "LIBERTAD VIGILADA." THUS, IF THE PRESS STORIES ARE ACCURATE, 67 "PEN PRISONERS" WILL ACTUALLY GET OUT OF PRISON.

1. [REDACTED] COMMENT: THE DEPARTMENT WILL NOTE THAT ADDING THE 67 DETAINEES WHO REPORTEDLY WILL GET OUT OF PRISON TO THE 63 THAT WILL BE TURNED OVER TO THE MINISTRY OF

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JUSTICE TOTALS 130, WHICH IS 11 SHORT OF THE FIGURE OF 141 PEN DETAINEES AS OF SEPTEMBER 29 THAT WAS GIVEN TO US BY THE UNDERSECRETARY OF THE INTERIOR (REFERENCE A). IT COULD BE THAT THE GOA RELEASED ELEVEN MORE PEN DETAINEES BETWEEN SEPTEMBER 29 AND OCTOBER 17, BUT IF SO, IT WAS UNPUBLICIZED. WHEN WE TELEPHONED THE FOREIGN MINISTRY'S HUMAN RIGHTS OFFICER (WHO HANDLES ALL REQUESTS FROM EMBASSIES FOR INFORMATION CONCERNING HUMAN RIGHTS), WE WERE TOLD THAT SHE HAD NOT/NOT BEEN INFORMED OF THE RELEASES IN ADVANCE, HAD NO INFORMATION FOR US, BUT WOULD USE OUR REQUEST IN AN EFFORT TO GET INFORMATION AND DATA FROM THE MINISTRY OF THE INTERIOR. SHE HAD, HOWEVER, ALREADY BEEN GIVEN THE NEW GOA LINE, WHICH IS THAT ARGENTINA NO LONGER HAS ANY SO-CALLED "PEN PRISONERS." END COMMENT.

5. (U) A LIST OF THE DETAINEES TO BE RELEASED WAS PUBLISHED IN THE ARGENTINE PRESS. THE EMBASSY IS GOING OVER THE LIST TO IDENTIFY CARDS IN WHICH THERE WAS CONGRESSIONAL INTEREST. WE WILL NOTIFY INDIVIDUAL CONGRESSMEN BY "H PASS" CABLES. ONE NAME ON THE LIST

[REDACTED]  
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ACTION ARA-16

INFO	OCT-00	COPY-01	ADS-00	INR-10	EUR-12	SS-10	OIC-02
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	SNP-01	PRS-01	/095 W				

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P 192104Z OCT 83  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC PRIORITY 9025  
INFO AMEMBASSY CARACAS  
AMEMBASSY LIMA  
AMEMBASSY LONDON  
AMEMBASSY MONTEVIDEO  
AMEMBASSY ROME  
AMEMBASSY SANTIAGO  
JSMISSION USUN NEW YORK  
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CINCSO FOR INTAFF, CINCLANT ALSO FOR POLAD, ROME ALSO  
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E.O. 12356: DECL:OADR  
TAGS: SHUM, PINS, PTER, AR  
SUBJECT: NO MORE "PEN PRISONERS" IN ARGENTINA

IS JORGE ALBERTO FONTEVECCHIA, THE EDITOR OF "LA SEMANA"  
MAGAZINE, WHO WAS GIVEN ASYLUM BY VENEZUELA IN MARCH,  
WENT INTO EXILE IN VENEZUELA TO ESCAPE PEN ARREST,  
[REDACTED]  
[REDACTED]

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AND IS NOW REPORTEDLY IN NEW YORK CITY (SEE REFERENCE B).

6. (U) TO UPDATE THE CONGRESSIONAL TESTIMONY, WE  
SUGGEST THE FOLLOWING:

--Q. WHAT IS THE CURRENT NUMBER OF POLITICAL (PEN)  
PRISONERS, AND WHY HAVE THEY NOT BEEN RELEASED?

--A. THERE WILL BE NO SO-CALLED "PEN PRISONERS" (MEANING  
DETAINEES HELD BY THE EXECUTIVE BRANCH; "PEN" IS THE  
SPANISH ACRONYM FOR THE EXECUTIVE BRANCH) WHEN THE  
RELEASES THAT BEGAN ON OCTOBER 18 ARE COMPLETED. ON  
THAT DATE THE GOA ANNOUNCED THAT IT HAD BEGUN RELEASING  
THE REMAINING DETAINEES, EXCEPT FOR 63 PEOPLE WHO WILL  
BE TURNED OVER TO THE MINISTRY OF JUSTICE BECAUSE THEIR  
CASES IN COURT ARE PENDING OR BECAUSE THEY HAVE ALREADY  
BEEN SENTENCED BY A COURT.

7. (U) IN ANOTHER DEVELOPMENT ON OCTOBER 18, CRIMINAL  
COURTJUDGE JUAN MARCHETTI RULED THE TEMPORARY STAY AND  
RELEASE OF THE THREE POLICEMEN WHO HAD BEEN DETAINED FOR  
THE PAST FIVE MONTHS IN CONNECTION WITH THE DEATHS OF  
PERONIST LEADER OSVALDO CAMBIASO AND EDUARDO PEREIRA  
ROSSI, AN ALLEGED LEADER OF THE MONTONEROS TERRORIST  
ORGANIZATION (SEE REFERENCE C). MARCHETTI STATED IN HIS  
RULING THAT THE CASE MIGHT BE REOPENED IF THE PLAINTIFFS  
PROVIDE NEW EVIDENCE AGAINST THE POLICEMEN WHO, ACCORDING  
TO THE BUENOS AIRES PROVINCIAL POLICE, PARTICIPATED IN AN

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ARMED CONFRONTATION IN WHICH CAMBIASO AND PEREIRA ROSSI WERE KILLED. THE POLICEMEN'S DEFENSE ATTORNEY HAD REQUESTED THAT ALL CHARGES BE CONCLUSIVELY DISMISSED. HE WAS TURNED DOWN BY MARCHETTI.

8. (U) FOR THE CONGRESSIONAL TESTIMONY, IF THE QUESTION [REDACTED]  
[REDACTED]

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IN PARAGRAPH 20 OF REFERENCE E (CONCERNING THE KILLING OF CAMBIASO AND PEREIRA ROSSI) IS USED, THE FIRST SENTENCE OF THE ANSWER SHOULD BE DELETED (I.E., "THREE POLICEMEN REMAIN IN DETENTION IN CONNECTION WITH THESE DEATHS." SHOULD BE DELETED).

9. (U) ALSO ON OCTOBER 18, THE FEDERAL COURT OF PARANA (THE CAPITAL OF ENTRE RIOS PROVINCE) APPLIED THE AMNESTY LAW TO, AND ORDERED THE RELEASE OF, FIVE INDIVIDUALS WHO HAD BEEN CONVICTED BY A MILITARY COURT IN 1975 AND SENTENCED TO UP TO 25 YEARS IN PRISON FOR THE MURDER OF LT. GENERAL JORGE CACERES MONIE AND HIS WIFE. ACCORDING TO THE PRESS REPORTS, THE FIVE INDIVIDUALS ARE TO BE RELEASED, EVEN THOUGH PERSONS CONVICTED OF A CRIME ARE EXCLUDED FROM THE BENEFITS OF THE AMNESTY, ACCORDING TO ARTICLE THREE OF THE LAW.

10. [REDACTED] COMMENT: OAS WE REPORTED IN REFERENCE D, THE REFUSAL OF SOME JUDGES TO IMPLEMENT THE AMNESTY LAW'S PROVISIONS HAS MADE THE MILITARY QUITE NERVOUS. NOW THAT OTHER JUDGES ARE EXTENDING THE LAW TO INCLUDE INDIVIDUALS WHO WERE TO BE DENIED THE BENEFITS OF THE AMNESTY, SUCH AS THE KILLERS OF GENERAL MONIE, THE MILITARY WILL BE QUITE UNHAPBR AS WELL AS NERVOUS. BUSHNELL  
[REDACTED]

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